

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 03-12499 MLW

TERRI L. PECHNER-JAMES)
and SONIA FERNANDEZ)
Plaintiffs)
VS.)
CITY OF REVERE, THOMAS)
AMBROSINO, MAYOR, CITY)
OF REVERE POLICE DEPT.)
TERRENCE REARDON, CHIEF)
OF POLICE, BERNARD FOSTER)
SALVATORE SANTORO, ROY)
COLANNINO, FREDERICK)
ROLAND, THOMAS DOHERTY)
JOHN NELSON, JAMES RUSSO)
MICHAEL MURPHY and)
STEVEN FORD)
Defendants)

PLAINTIFFS STATEMENT OF COMPLIANCE WITH DEPOSITION ORDER

Background:

On May 22, 2006-Docket No. 199- the court made the following orders: (1) Although the discovery period ends on June 1, 2006, the parties are granted leave to conclude the depositions on the dates they proposed. (2) From among the dates counsel proposed they shall submit a schedule for the extra half day for Pechner's deposition and one and one-half days of deposition for Fernandez. They shall submit this schedule no later than Friday 26, 2006.

Argument:

The parties established the schedule stated below pursuant to the court's order:

May 25, 2006 from 10:00 am to 5:00 pm in Worcester-Terri Pechner-James

May 26, 2006 from 10:00 am to 5:00 pm in Worcester-Sonia Fernandez
May 30, 2006 from 10:30 am to 5:00 pm in Worcester-Terri Pechner-James
June 2, 2006 from 1:00 pm to 5:00 pm at Revere City Hall-Sonia Fernandez
June 7, 2006 from 10:00 am to 5:00 pm in Worcester-Terri Pechner-James
June 9, 2006 from 1:00 pm to 5:00 pm at Revere City Hall-Sonia Fernandez
June 12, 2006 from 10:00 am to 5:00 pm-to be determined who and where.

After May 22, 2006, **Sonia Fernandez**, attended the following depositions:

(1) May 26, 2006: Deposition held at the Offices of Reardon, Joyce & Akerson, P.C. 397 Grove Street, Worcester, MA 01605.

Start of Session: 10:25 am

End of Session: 3:00 pm (allowing 1 hour for lunch-3 ½ hours)

Length of Transcript: Pages 907 – 1060 (153 pages)

Reason for Termination: Agreement of parties; Sonia's grandmother's Illness; parties agreed no to seek sanctions.

Deposing Attorney: Vigliotti

(2) June 2, 2006: Deposition held at Revere City Hall, Revere, MA 02151.

Start of Session: 12:58 pm

End of Session: 5:00 pm (4 hours)

Length of Transcript: 1068 – 1275 (207 pages)

Reason for Termination: Deposition completed as agreed.

Deposing attorney: Walter Porr

(3) June 9, 2006: Deposition held at Revere City Hall, Revere, MA 02151

Start of Session: 1:05 pm.

End of Session: 5:08 pm (4 hours)

Length of Transcript: 1302- 1513

Reason for Termination: Deposition completed as agreed.

Deposing Attorney: Vigliotti

(4) June 21, 2006: Deposition held at Revere City Hall, Revere, MA 02151

Start of Session: 9:00 am

End of Session: 12:00 pm (3 hours)

Length of Transcript: Not yet released

Reason for Termination: Deposition completed as agreed

Deposing Attorney: Walter Porr

The Plaintiff, Sonia Fernandez, has completed four sessions and a total of 14 ½ hours of deposition since the court's order of May 22, 2006. The dates were divided equally between being deposed by Walter Porr and an attorney from the firm of Reardon, Joyce & Akerson, PC. Based on the calculation that one deposition day is seven (7) hours, Sonia Fernandez has completed two (2) days and one-half hour of depositions. Her

attendance has exceeded the one and one-half day requirement of the court by one-half day plus one-half hour.

After May 22, 2006, **Terri Pechner-James**, attended the following depositions:

(1) May 25, 2006: Deposition held at Reardon, Joyce & Akerson, P.C, 397 Grove Street, Worcester, MA 01605.

Start of Session: 10:08 am

End of Session: 5:00 pm (allowing 1 hour for lunch-6 hours)

Length of Transcript: 901- 1153 (252 pages)

Reason for Termination: Deposition completed as agreed.

Deposing Attorney: Walter Porr

(2) May 30, 2006: Deposition held at Reardon, Joyce & Akerson, P.C. 397 Grove Street, Worcester, MA 01605

Witness Present: 10:00 am

Start of Deposition 10:40 am

End of Session: 4:30 pm (allowing 1 hour for lunch-5 hours)

Reason for Termination: Deposition completed as agreed.

Deposing Attorney: Michael Akerson

(3) June 7, 2006: Deposition held at Reardon, Joyce & Reardon, P.C. 397 Grove Street, Worcester, MA 01605

Witness Present: 10:00 am

Start of Session: 11:00 am

End of Session: 4:44 pm (allowing 40 minutes for lunch-5 hours)

Comment: Rain and flooding; difficult travel. Plaintiff's counsel offered to make up one hour.

Reason for termination: Deposition terminated by mutual agreement.

Deposition Attorney: Walter Porr

(4) June 22, 2006: Deposition held at Revere City Hall, Revere, MA 02151

Start of Session: 9:00 am

End of Session: 1:00 pm (4 hours)

Length of Transcript: page 1570 to 1761-209 pages

Reason for Termination: Deposition completed as agreed

Deposing Attorney: Walter Porr.

Plaintiff, Terri Pechner-James, has completed 20 hours of depositions since the court's order of May 22, 2006-Docket No.199. All sessions except the session on May 30, 2006, were conducted by Walter Porr. Based on the calculation that a deposition day is the equivalent of 7 hours, this Plaintiff has completed two days and 6 hours of

depositions. This record of attendance exceeds, by almost two and one half days the half a day ordered by the court in Docket No 199.

(3) Prior to the order of May 22, 2006, the Plaintiff, Sonia Fernandez had completed a sixteen and one-half hours of depositions.

The Plaintiff, Sonia Fernandez, had attended the following depositions prior to the court order of May 22, 2006-Docket No. 199:

March 21, 2006: Deposition held at Reardon, Joyce & Reardon, P.C 397 Grove Street, Worcester, MA 01605.

Start of Session: 10:30 am

End of Session: 4:00 pm (allowing 30 minutes for lunch-5hours)

Reason for termination: Excruciating back pain by Plaintiff.

Deposing attorney: Vigliotti

March 24, 2006: Deposition held at Reardon, Joyce & Akerson, P.C. 397 Grove Street, Worcester, MA 01605

Start of Session: 10:30 am

End of Session: 1:30 pm (3 hours)

Reason for termination: Adjourned by Defendants counsel because of upcoming court hearing of which he was unaware.

May 12, 2006: Deposition held at Reardon, Joyce & Akerson, P.C. 397 Grove Street, Worcester, MA 01605

Witness & Counsel present at 10:00 am

Attorney Conference without witness: 10:00 – 10:40 am

Start of Session with Witness: 10:43 am

End of Session with Witness: 4:30 pm (allowing 45 minutes for lunch-5 hours)

May 16, 2006: Deposition held at Revere City Hall, Revere, MA 02151

Start of Session: 10:30 am

End of Session: 1:30 pm (3 ½) hours

Reason for Termination: Deposition completed as agreed.

Deposing Attorney: Walter Porr

Plaintiff, Sonia Fernandez, had completed sixteen and one-half hours (16 ½) hours prior to the court order of May 22, 2006-Docket No. 199- a total of two days plus two (2 ½) and one half hours. After the court's order of May 22, 2006, she completed (14 ½) hours of depositions. The total number of hours completed is four (4) days and three hours (31) hours.

(4) Prior to May 22, 2006, Plaintiff, Terri Pechner-James, had completed twenty-three hours of depositions.

The Plaintiff, Terri Pechner-James, had attended the depositions listed below prior to the court's order of May 22, 2006.

January 10, 2006: Deposition held at Reardon, Joyce & Akerson, P.C. 397 Grove Street, Worcester, MA 01605
Start of Session: 10:20 am
End of Session: 4:00 pm (allowing 30 minutes for lunch-5 hours)
Reason for Termination: Deposition completed as agreed.
Deposing Attorney: Michael Akerson

March 14, 2006: : Deposition held at Reardon, Joyce & Akerson, P.C. 397 Grove Street, Worcester, MA 01605
Start of Session: 9:44 am
End of Session: 1:52 PM (4 hours)
Reason for Termination: Agreement of parties
Deposing Attorney: Michael Akerson

April 7, 2006: : Deposition held at Reardon, Joyce & Akerson, P.C. 397 Grove Street, Worcester, MA 01605
Start of Session: 10:05 am
End of Session: 3:45 pm (5 hours-allowing 45 minutes for lunch)
Reason for Termination: Agreement of parties
Deposing Attorney: Michael Akerson

May 5, 2006: : Deposition held at Reardon, Joyce & Akerson, P.C. 397 Grove Street, Worcester, MA 01605
Start of Session: 10:15 am
End of Session: 5:00 pm (6 hours-allowing time for lunch)
Deposing Attorney: Porr

May 19, 2006: : Deposition held at Reardon, Joyce & Akerson, P.C. 397 Grove Street, Worcester, MA 01605
Start of Session: 1:43 pm
End of Session: 4:42 pm (3 hours)
Deposing Attorney: Michael Akerson

Plaintiff, Terri Pechner-James, completed 23 hours of depositions, prior to the court order of May 22, 2006. She has completed twenty (20) hours since the court order of May 22, 2006. The total number of hours that she has completed is 43 hours. Based upon the calculation of 7 hours for a deposition day, she has completed 6 days and 1 hour of depositions. She has exceeded the number of hours of depositions ordered by the court.

Conclusion:

The number of hours that both Plaintiffs have submitted to depositions exceed the number of hours ordered by the court. Plaintiff, Terri Pechner-James has completed six (6) days and one (1) hour, Plaintiff, Sonia Fernandez, has completed four (4) days and three(3) hours. The depositions are currently suspended. The Plaintiffs complaint is based upon the hostile work environment of the Revere Police Department. They have been adjudicated as disabled as a result of that hostility. These depositions have been a very difficult ordeal for both Plaintiffs. It would be a manifest injustice to subject them to further depositions. That experience will serve only to aggravate their disability and intensify the hostility that they experienced at the Revere Police Department.